IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

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JUDGMENT

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Raj Bihari Yadav Vs. Padam Singh & Ors.

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D.B. Civil Special Appeal No. 75/2005

in

S.B. Civil Restoration Application No. 89/2004

in

S.B. Civil Misc. Appeal No. 647/1995

Date of order :: July 17, 2007

PRESENT
HON'BLE MR.JUSTICE R.C. GANDHI
HON'BLE DR. JUSTICE VINEET KOTHARI

Mr. L.L. Jain for the appellant

(ORAL, Per Hon'ble Mr. Gandhi, J.)

1. This special appeal has been preferred under Section 18 of the Rajasthan High Court Ordinance, 1949 against the order dated 14.03.2005, whereby the application of the appellant numbered as S.B. Civil Restoration Application No. 89/2004 seeking restoration of the S.B. Civil Misc. Appeal No. 647/1995, was dismissed.

2. This appeal has been preferred on the ground that the learned Single Judge has not taken into consideration the sufficient cause which prevented the appellant from presenting the appeal within the period stipulated for filing application for restoration of appeal.

3. We have perused the record, memo of appeal and also the order of the learned Single Judge. It is stated at Bar that this appeal has been preferred by the driver of the vehicle causing accident and a separate appeal was also preferred by the owner of the vehicle, to whom the driver was employee and the said appeal has been dismissed.

4. From a perusal of the record, it is not seen that the application for restoration was filed after a period of four years and sufficient cause for this delay has not been made out which prevented the appellant from approaching the court within time. The order passed by the learned Single Judge, therefore, do not warrant any interference. The appeal is devoid of merit and the same is dismissed.

(Dr.VINEET KOTHARI),J. **(R.C. GANDHI),J.**

Pramod